

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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AMEASIA CO., et al.,

Plaintiffs,

MEMORANDUM AND ORDER

-against-

08-CV-2495 (KAM)

GOLDEN VILLAGE TRADING, INC., et al.,

Defendants.
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ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:

The Court is in receipt of defense counsel's letter of February 22, 2010 ("2/22/10 Def. Letter"), which requests "an extension of fact discovery for limited purposes" 2/22/10 Def. Letter at 1. In fact, defendants seek to *reopen* discovery, which ended on February 12, 2010, after more than 18 months of discovery. Plaintiffs consent in part to defendants' request. See id. at 3 & Ex. 1. For the reasons that follow, the defense request is granted in limited part only and is otherwise denied.

Contrary to defense counsel's assertion, except with respect to the difficulties encountered in scheduling the deposition of non-party Paul Liu, defendants have not shown good cause for the broad reopening of discovery that they now request. Rather, defendants' list of outstanding discovery reveals that despite the express terms of the Court's Order of December 15, 2009, defendants served a series of deposition subpoenas during the final week of discovery, returnable after the judicially imposed discovery deadline of February 12, 2010. Compare Revised Discovery Scheduling Order (Dec. 15, 2009) (warning that "in no event shall [depositions] be scheduled for after the end of fact discovery"), with 2/22/10 Def. Letter

at 2-3 (listing four non-party deposition subpoenas that defendants served on either February 8 or 11, returnable between February 15 and 23). Furthermore, both sides have improperly served document demands returnable in late February or March, after the February 12th close of discovery. See 2/22/10 Def. Letter at 2. In other words, despite a year and a half of discovery, the parties waited until the eve of the discovery deadline to complete what should have been accomplished long ago.

Accordingly, the Court declines to reopen fact discovery, except to conduct the deposition of Paul Liu by March 19, 2010. The deadlines for expert disclosure, and the date of the settlement conference (May 3, 2010), remain unchanged.

SO ORDERED.

**Dated: Brooklyn, New York
February 23, 2010**

**ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE**